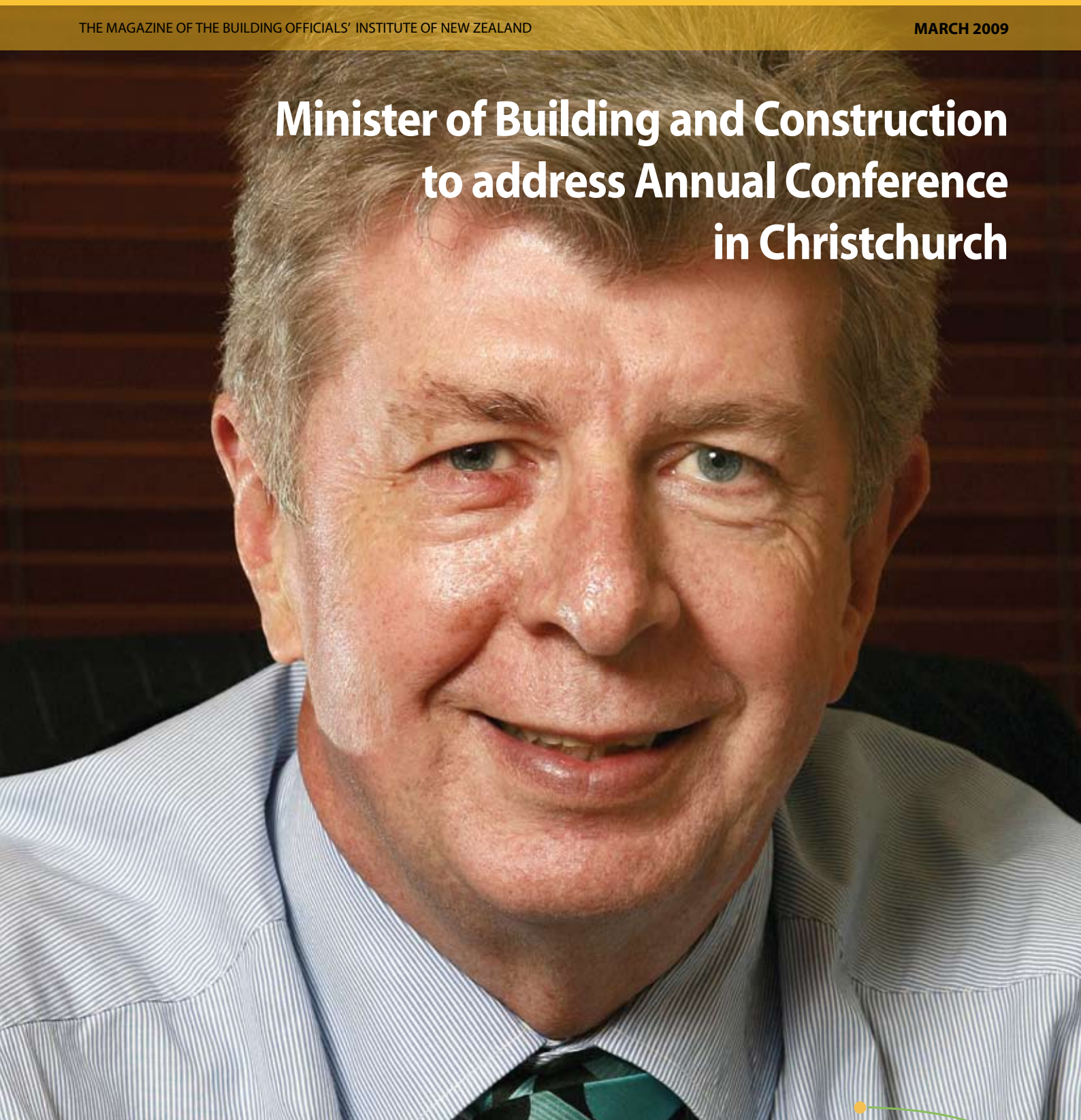


# straight up

THE MAGAZINE OF THE BUILDING OFFICIALS' INSTITUTE OF NEW ZEALAND

MARCH 2009

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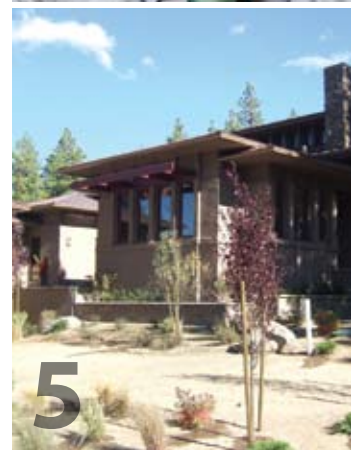
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FROM LEN'S DESK

# Membership is the life blood of any organisation

While this saying is true the life blood of membership flowing through the veins of any organisation is also subject to variables and attention to good health care. If this attention is diverted or lacking then the result is not good for the organisation or its membership.

Many of you will be aware that staff at the Institute's national office have been working long hours in order to solve a host of "challenges" found in both the membership database and accounting system in the wake of Craig Charles' departure from the team in late November 2008. This has involved rebuilding the integrity of the membership database, a lot of investigation and seeking assistance and answers from members and customers to rectify anomalies in both systems. Thankfully, with the grateful assistance of many of you, the end to this process is now in sight. On behalf of the staff, I would like to thank everyone for their patience and understanding as this process has taken place. We are now in a position to move forward in a more positive manner and to provide better service to our members and customers.

While all this has been taking place over the past two months, it has highlighted something for which members need a reminder.

**Membership of the Institute is individual.** A member (say, John Smith from Takapau District Council) fills in an application form to join the Institute and forwards it to the office. The application form is processed and put before the Board for their acceptance. Once accepted the member receives confirmation of this, a membership card and an invoice for their membership fee, which is duly paid. When the anniversary of their membership rolls around in 12 months' time they are sent a further invoice which, when it is paid, renews their membership for the next 12 months.

Membership of the Institute is paid in advance i.e. a payment made for membership commencing 1 February is current from 1 February 2009-31 January 2010. It is the same in many organisations such as ours, for instance the Automobile Association. If a member does not immediately pay their subscription when it falls due, the constitution allows for a three-month "grace" period before the member is considered to be unfinancial and they may be struck off. Once struck off a member would need to re-apply for membership.

It is the member's duty to renew their own membership. If their employer chooses to pay the membership subscription for them, that arrangement is between the individual member and their employer and has nothing to do with the Institute. The individual person is the member. They are responsible

for ensuring that their membership subscription is paid up to date, and that their contact details are current. It is not up to the Institute to follow up an employer for an individual's membership subscription.

Some employers (councils) have asked for bulk membership invoices for their staff during the current round of subscription renewals which we have supplied but this will not be the case in future. While the Institute's office is happy to supply names of council staff that are on their database to a nominated person on that council, it is still the individual member's responsibility to ensure they are financial with the Institute. Being financial is especially important when the member wishes to attend a branch meeting, vote at its AGM or the Institute's AGM in April. And, just as importantly, unless a member is financial they are not entitled to membership privileges when attending training programmes or events organised by the Institute.

If you have any queries regarding your membership status please contact the office – [office@boinz.org.nz](mailto:office@boinz.org.nz) or write to us. We would be happy to assist.

We now have a clear view of how many members belong to the Institute, have re-organised and rebuilt the financial and membership databases in the office, and are enthusiastic about moving forward. As mentioned, much of this has been possible through the patience, support, information and understanding of our members and customers.

***Once again, thank you all.***

***Len Clapham***

## NOTICE OF ANNUAL GENERAL MEETING

Christchurch Convention Centre, Christchurch,  
Monday 6 April 2009  
commencing at 4.30pm

A copy of the Notices of Motion and other order papers for members is now available on the Institute's website - [www.boinz.org.nz](http://www.boinz.org.nz).

A precis of the Notices of Motion follows on Page 3 of this publication.

# Notice of Motion

**The 43rd 2009 Annual General Meeting of the Building Officials Institute of New Zealand (Inc), will be held at the Christchurch Convention Centre, Kilmore Street, Christchurch on Monday 6th April commencing at 4.30pm**

**Name:** The President of the Institute, Mr Ewan Higham on behalf of the board

**Seconded by :** Norm Barton

Move that **section 6.0** (and its sub clauses) - **Governance of the Institute** and **section 7.0 Election and Power to Co-opt Board Members**, within the current constitution be revoked inclusively and they be replaced by the new sections clauses, 6.0 (and its sub clauses) Governance of the Institute and 7.0 (and its sub clauses) - Election and Power to Co-opt Board Members.

## Proposed new sections

### SECTION 6.0 – GOVERNANCE OF THE INSTITUTE

#### 6.1 The Board

The Board shall comprise:

- (a) **six (6) members elected by the Members; and**
- (b) May include up to three additional Co-opted Members of the Board
- (c) Members elected pursuant to clauses 6.1(a) shall elect one of their number as President and confirmed by the Annual General Meeting. The President shall hold office for up to a maximum continual term of two years,
- (d) A vice president elected from the Board and confirmed at the Annual general meeting who will automatically take the office of the President unless otherwise decided by the Board and confirmed by the AGM.
- (e) The Chief Executive Officer as a non-voting member.

#### 6.2 Meetings of the Board

The Board shall meet at least quarterly, at a date and time determined by the President.

#### 6.3 Filling of Vacancies on the Board

Pursuant to clause 6.1(a) if the office of President becomes vacant for any reason, the Vice President shall act as President until the election and confirmation of a new President. If the office of Vice President becomes vacant for any reason, the Board may appoint a suitable replacement from the Board membership.

Where any elected Board member dies, resigns or is otherwise unable or unwilling to attend to his or her responsibilities as a Board member for any reason whatsoever during his or her term the Board may declare that Board Member's position vacant. Such a vacancy shall be referred to as a "casual vacancy". Any casual vacancy may be filled by the Board appointing a member of the Institute to the Board. Any person appointed to fill a casual vacancy shall hold office in the Board for the balance of the term of the Board member being replaced.

#### 6.4 Suspension of Office Holders

The Board may suspend from office any office holder for misconduct by a vote of not less than two thirds of the Board's members present at a special meeting expressly called for the purpose. The process must be carried out in accordance with 4.4 and 4.5 and 4.6.

#### 6.5 Establishment of Branches

The Board may establish Branches, and has the power to

disestablish Branches of the Institute in consultation with the area branch members.

#### 6.6 Reports to Annual General Meeting

The Board shall report to the Annual General Meeting on its activities during its term of office.

#### 6.7 Appointment of Chief Executive Officer

The Board may appoint a Chief Executive Officer who shall be responsible to the Board. The Board shall also set the terms and conditions of appointment. The Chief Executive Officer is also the Secretary of the Institute and Treasurer.

### SECTION 7.0 – ELECTION AND POWER TO CO-OPT BOARD MEMBERS

**7.1** Elected Board Members are elected for a two year term. Board Members co-opted pursuant to clause 6.1(b) are co-opted for a 1 year term. Board Members, whether elected or co-opted, are eligible to be re-elected or re-co-opted for any number of consecutive terms.

**7.2** Elected Members of the Board shall be elected by ballot of the membership and shall be announced at the Annual General Meeting. If more than one person is nominated for any position, the holder shall be determined by plurality vote, that is to say the candidate with the highest number of votes wins.

**7.3** Nominations for the Elected Members of the Board due to retire in any year shall be called seventy days prior to the Annual General Meeting. The nominee's, proposer's and seconder's names shall appear on the current roll of financial members and the nominee's written consent to stand for the office shall be obtained. Nominations will close fifty days prior to the Annual General Meeting.

**7.4** The institute shall send to each financial member a ballot paper at least twenty-eight days prior to the Annual General Meeting. Ballot papers must be received at the Institute Office on or before the nominated closure date, being not less than fourteen days before the Annual General Meeting.

**7.5** For the purposes of clauses 7.3 and 7.4 communications between the Institute and members, and ballot details and votes may be made and communicated by post or electronic mail.

**Full background documentation is available from the National Office or it can be found on the Website at [www.boinz.org.nz](http://www.boinz.org.nz).**

# Alternative solutions

Brian Cashin - consultant on Building Act matters

## INTRODUCTION

Under both the 1991 and 2004 Building Acts ("BA91" and "BA04"), territorial authority ("TA") building officials have powers that they did not have under the previous building bylaws. In particular, the power to approve proposals that do not comply with the compliance documents that have replaced the prescriptive requirements of the bylaws.

With power goes responsibility and accountability, so that officials cannot jackboot their way through the job by insisting on slavish compliance with the letter of the compliance document as they could with the old bylaws. Officials have a duty to consider proposed "alternative solutions."

## WHAT IS AN ALTERNATIVE SOLUTION?

In this article: **Alternative solution** means a solution that complies with the building code even though it does not comply with the relevant compliance document.

If it does not comply with the building code, it is not an alternative solution.

Proposed alternative solutions must always be considered in the light of the corresponding compliance document.

Compliance documents specify both acceptable solutions and verification methods. I am not aware of any specific name for something that has been verified by a verification method, but I think of it as a conventional engineering design. The discussion below is mainly in terms of acceptable solutions, but it applies equally in terms of verification methods.

The ultimate test as to whether a proposed alternative solution complies with the building code is whether the relevant objectives of the building code are achieved to at least the same extent as by the acceptable solution.

In other words, is the risk of injury, illness, damage to other property, loss of amenity, and so on no greater than with the acceptable solution?

The onus is always on the applicant to establish on reasonable grounds, to the satisfaction of the official, that the proposal complies with the building code.

## ALTERNATIVE SOLUTIONS IN GENERAL

We can classify alternative solutions as:

- Comparatively minor departures from the acceptable solution because the building is not the worst case.
- Significant departures from the acceptable solution but with equivalent or compensating provisions.
- Completely different from the acceptable solution.

## COMPARATIVELY MINOR DEPARTURES FROM THE COMPLIANCE DOCUMENTS

Comparatively minor departures from the acceptable solution are so common that they are often overlooked in discussions of alternative solutions. Frequently, they are approved simply as a matter of common sense.

A millimetre or two's extra span or slightly more than the allowable proportion of undergrade studs is unlikely to be significant unless the element concerned is at the top end of its allowable loading.

Comparatively minor departures from an acceptable solution might be just a matter of common sense, but that common sense must be based on the realisation that the building concerned is nowhere near the worst case covered by the acceptable solution. In other words, the power to accept even minor departures from the acceptable solution must be exercised by someone who understands both the acceptable solution and the building code.

If a particular minor departure is justified often enough to be of interest to the industry in general, then it should (and frequently does) result in an amendment to the compliance document. Those documents are constantly being amended in the light of experience and research. What started out as an alternative solution becomes part of the acceptable solution.

The original acceptable solutions, and their subsequent amendments, were made only after intensive investigation by expert SNZ and DBH committees involving wide public consultation. It is a lengthy and demanding process.

In other words, it takes a lot of hard work to convert an alternative solution into an acceptable solution.

## SIGNIFICANT DEPARTURES FROM THE COMPLIANCE DOCUMENTS

The most obvious examples of significant departures are the various monolithic cladding systems that resulted in the recent outbreak of leaky buildings. None of those systems (except for conventional stucco) complied with any compliance document. They could only have been accepted as alternative solutions.

As far as I can make out no applicant ever provided evidence amounting to reasonable grounds for being satisfied that any of those cladding systems as a whole (as distinct from items such as substrates) complied with the building code.

Other examples can be found in the area of fire safety, where proposals for larger buildings are

*This is one of a series of articles on legal topics related to the Building Act 2004. Readers' queries are welcome (it saves me from having to think of something to write about). However, these articles discuss the law only in general and simplified terms; they are not to be taken as legal advice, and will not necessarily apply to any particular case.*

*I am available for professional consultation at:  
Brian Cashin  
13 Lomita Road, Wellington 6037  
Email: cashin@xtra.co.nz  
Phone: (04) 478 1368*

frequently based on specific fire engineering designs involving significant departures from the acceptable solution.

It is impossible to check such designs from first principles. That is because there is, as yet, no verification method for fire design. Thus it is only by comparison with the acceptable solution, C/AS1, that we can tell whether the risks associated with a particular proposal are no greater than those associated with C/AS1. The greater the departure from C/AS1, the more difficult it is to compare the risks.

Numerous determinations about specific fire engineering designs, such as Determination 2006/34, have concluded that at present the only acceptable way of establishing that such a design complies with the building code is by comparative risk analysis. Furthermore, the design itself must be translated into actual construction drawings, it is not enough for it to exist solely as a fire engineering design report.

A proper comparative risk analysis is a lengthy and complex process involving a large number of computer runs. Checking construction drawings against the resulting fire engineering report is also a complex process.

In other words, the fire engineers concerned must do a lot of hard work to get the design approved as an alternative solution. No such hard work was done on monolithic claddings until after large numbers of buildings were found to be leaking.

## COMPLETELY DIFFERENT SOLUTIONS

Some alternative solutions are so common that some officials hardly realise that they are in fact alternative solutions. Obvious examples are Lockwood houses and the like.

I was not involved in building controls in the 1950s when Jo La Grouw Snr created his Lockwood building system. I can only imagine how difficult it was for him and his team to persuade officials, builders, and the general public that his innovative solid timber panel houses were just as good as traditional light timber frame houses. I understand that full size Lockwood houses were fully tested, including under earthquake loadings, with test reports widely available.

In other words, the proprietors of the system did a lot of hard work to get the system accepted in the first place, and its acceptance has since been justified by experience with

*Continued on page 14*

# Inspect the uninspected

By J.B. Wogan

The following article is reprinted with permission as published in the Nov. 5 issue of the *Sammamish Review*, Washington, USA.

Sometimes, Steve Belzak, city building inspector, has to deal with shenanigans.

"I have been offered a bribe, but not in Sammamish," he said. "People will joke with me. You don't know how serious they are. I just made it clear that that's not acceptable. It's a matter of personal integrity."

Each morning, Belzak buckles into his city of Sammamish Ford Taurus, a blue-and-white lunch cooler in the backseat, and heads to his first assignment of the day. His workday involves a hectic work-and-drive schedule, so he expects to eat on the run.

"One thing that's fun about this job is that it's fast," Belzak said.

Every day, Belzak and his colleague Scott Perron set up a list of 10-12 building inspections, and then they start their road trip through the city.

Belzak is the senior building inspector for Sammamish and, like Perron, he carts around two-to-six-inch tomes laying out the building codes for commercial and residential construction; binders with the codes for everything from energy to plumbing and more.

They aren't department heads, nor will you see them regularly debate overarching issues at City Council meetings, but building inspectors are the last pair of eyes to verify that homes are built to design and safety standards.

The first house on Belzak's list Oct. 29 was Steve and Julie Anderson's in the Provence neighborhood. The couple was expanding its kitchen and adding a closet to the upstairs master bedroom. One of Belzak's major tasks that day was to make sure the new walls were resistant to earthquakes.

Having been a former inspector and plan reviewer in other Washington cities, he said Sammamish has some unusual provisions in the code to account for earthquakes, both small and large.

"There's a lot more earthquake and seismic detailing here," Belzak observed. It's one of the only cities to require a special valve that shuts off gas lines during an earthquake, he said.

In the case of the Andersons' home addition, Belzak's eyes scanned the nailing pattern on the fringes of wood panels that would eventually fit inside the finished exterior.

Belzak checked to see if the contractor followed the approved set of design plans with the nailing. The contractor had the pattern correct, but some of the nails were screwed in.

To meet building code requirement and safety standards, Belzak told the contractor to pound in additional nails to supplement some that were screwed in. Nails that penetrate the wood by a nail gun are sturdier than ones that are screwed in, he explained.

Belzak said that sometimes contractors are greatly out of compliance with the project's plans. Conflict arises when he has to tell a contractor to redo or delay a step in construction because of improper procedure, which can cost anywhere from hundreds to thousands of dollars.

"I think sometimes contractors wish we would go away. But the best thing we can do is have a presence. They'll be more conscientious because somebody will be looking over their shoulder," he said.

He tries to avoid requiring a re-inspection, which costs \$112.50, but sometimes it's inevitable, he said.

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"The city's job is to make sure that it's built according to plan," Community Development Director Kamuron Gurol explained. "Bottom line: We're also thinking about the next owner, who gets the home down line."

Gurol said Belzak and Perron play an important role in the process, handling permit inspections for a wide range of projects, from roofing to plumbing to laying out sheet rock.

"I trust them to do a lot of inspections," he said.

Recently, the number of permit inspections per day have shrunk, Belzak said. In the last week of September and first two weeks of October, permit requests dropped. City reports indicate that permit requests for single-family homes has dropped from about 550 to 50 requests in the last few years.

But as October came to a close last week, permit requests — not

single-family building requests, but request in general — started pouring in again.

"It's been really strange. I can't put my finger on what's going on," Belzak said.

Aside from human error, Belzak said his biggest concerns are the threat of natural forces on structures, such as spongy, unstable soil, strong winds, or precipitation like rain and snow.

Cement walls and steel rebar serve as flexible infrastructure to keep a house or commercial building stable even as the weather tugs it in various directions, Belzak explained.

Belzak can rattle off facts and numbers about engineering and city coding, such as the number of pounds a square foot in Sammamish can usually support. (The answer is 1,500-2,500 pounds, which Belzak insisted comes in handy on the job.) Still, the weight and size of the books he carries hint at a certain diligence in referencing his guides, too.

"Some people try to memorize it, but it changes every three years," Perron said. "Sometimes, you just have to learn what the changes are."

In the next year, Belzak said he and Perron could see an increase in their workload. With commercial projects like the new city library and construction at Skyline High School, he might spend a lot of his time on those two sites.

"An inspector on a large commercial project could literally spend an entire morning or afternoon on each site," he said. With residential projects, a building inspector might make visits 10-20 times. But he anticipated a far greater number for those commercial projects on the horizon.

"It could easily be 10 times that," he said.

Reporter J.B. Wogan can be reached at 392-6434, ext. 247, or [jbwogan@isspress.com](mailto:jbwogan@isspress.com)

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# BRANZ Appraisal presentations a winner with Councils

What started as a courtesy call by BRANZ Appraisal staff has proven to be a valuable resource for Territorial Authorities nationwide.

For the last 18 months, Russell Clarke, Project Manager for BRANZ Appraisals has been adding presentations to local councils with his normal business activities around the country.

He has spoken to over 15 district and city councils in the last six months alone, providing information and answering queries about BRANZ Appraisals and its processes.

"Councils have been all very pleased to see BRANZ and have only made positive comments regarding the presentations and the value," says Russell.

Russell provides behind-the-scenes information on the Appraisal process that has proved to be of particular interest to councils. Popular topics includes the whole Appraisals process, how BRANZ Appraisals mitigates risk, details on its independent third party verification and answering general questions from staff.

A positive and noted feature for councils is also

putting a public face to the BRANZ Appraisals team.

"TA's appreciate and value the BRANZ Appraisal as a way of reducing the risk to accepting a product or system they are unfamiliar with," says Russell.

Rob Woodger, Senior Building Consultant for the Auckland City Council has welcomed the BRANZ Appraisal presentations, finding it very beneficial for staff.

"It's about raising awareness of what to look for. Knowing what's happening in the industry and being aware of these things."

Richard Ritsma, Manager Building Consents from the Rodney District Council agrees noting the presentation as essential to giving Territorial Authorities information they need to do their jobs well.

"It's good to know that we are clear about the BRANZ Appraisal processes."

Russell already has presentations booked for 2009; however he is happy to speak to any

## BRANZ - Who We Are

BRANZ is NZ's leading provider of research, testing, consultancy and educational services for the building and construction industry. BRANZ draws approximately 37% of its income from the Building Research Levy.

BRANZ should not be referred to as the Building Research Association of New Zealand, even by way of explanation. BRANZ Chief Executive is Pieter Burghout.

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council who is interested in hearing about BRANZ Appraisals.

If you would like Russell to speak to your staff, or if you would like to be regularly sent the latest BRANZ Appraisal updates, call 0800 080 063 or email [appraisals@branz.co.nz](mailto:appraisals@branz.co.nz).

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## STRUCTURAL FIXINGS ON-SITE GUIDE FOR BUILDING CODE COMPLIANCE

2009 EDITION

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## HOBANZ: Home Owners and Buyers Association New Zealand

Yes, that’s right, we have a new player in the building sector. HOBANZ. “Leaky homes problem: Bad and getting worse!” said a quarter page advertisement on the association in the Dominion Post 1 November 2008.

Unsuccessful attempts to contact HOBANZ on its 0800 number reach an automated reply advising callers that they register online or leave a message and that “if you don’t hear from us straight away it means there are others worse off than you”.

HOBANZ is offering “support and advocacy for owners of leaky and defective homes” by helping “owners to get cost effective legal and technical advice” and states that owners have come to them “in dire circumstances as a result of unfavourable settlements, failed remedial works and other ruinous actions”.

The association says that “houses built between 1991 and 2004 have a 1 in 5, and potentially higher risk of being a leaky home.” For those whose “leaky home is less than 10 years old” the association’s advice is to immediately lodge an application with the Department of Building and Housing under the Weathertight Homes Resolution Service Act or file Court proceedings to stop the “limitation clock” because the association states “if your home is 10 years old you can’t sue those responsible for the defective construction”. HOBANZ also says in the advertisement that “it is not only Mediterranean-style homes which are leaky [and that] there are potentially negative changes afoot regarding an ability to claim”.

It’s not surprising that this organisation has been set up. HOBANZ says that “the metro mayors (Auckland, Wellington and Christchurch are suggesting that remedial costs are shared between central government (\$500 million), local government (\$411 million) and leaky home owners (\$500 million)”. The association “believes that the amount is inadequate and completely underestimates the size of the problem” and that “leaky home owners should not have to pay anything at all”.

If you think that the latter is an extreme suggestion wouldn’t it seem reasonable to suggest that architects and builders involved in the design and construction of the homes affected should also be held to account and share the cost of rehabilitation? I think so.

Neither the association or local and central governments have addressed the liability of these 2 sectors in the reparations process which is a festering issue that lies at the heart of the inability of those involved to reach “resolution”. Builders and architects (and their representative bodies) seem to have been completely ignored and have maintained a low profile below the radar for their part in what became known as a “systemic” problem. “Systemic” suggests that they, as with everyone else involved in the “system”, should bear some responsibility. The association’s objectives for being a body which home owners can contact for advice and guidance are commendable but to achieve its intention to do that and to “work with various Government agencies, councils and other interested parties” [such as the DBH] it will need to moderate views expressed in the advertisement that “councils are working to minimise their exposure to this problem – one that is ultimately of their creation – by trying to apportion costs back to the victims of councils’ negligence”. We’ll get nowhere until everyone puts away the blame factor and all of the bodies representing the sectors involved accept liability.

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You need to drive this not your B.C.A or your manager's, the license is a qualification in itself designed by the institute for you.

"I've only got a few years to go and I don't need or want to get this so called license", I can hear you saying. Well how many really fully retire. We all have potential to provide input into the industry long after we leave our

place of work. The license is a qualification that you can take with you and is relevant to and understood by the industry.

A snap shot of Today right now, the national qualification in small and large buildings is still in its infancy, and when posed with the question above it would be great to say I am studying for the national qualification and even better to say that I am licensed to an exacting industry standard that covers all disciplines within the building control arena and studying for the national qualification.

Then ask them, what are you doing after you receive your license to further your qualifications and keep abreast of the changes in the industry?

What's the hardest part of obtaining the license? Clicking on the website link, from there it's an easy to follow step by step program to obtain the license.

In the words of a famous slogan. Just do It

*Continued from page 4*

many thousands of such houses before BA91 came into force.

### PRODUCT CERTIFICATES

Various building methods and products have gained a product certificate under BA04, or its predecessor an accreditation under BA91. Some if not all of them are in fact alternative solutions. (Of course, the fact that such a method or product does not have a product certificate does not mean that it does not comply with the building code.)

An applicant must do a lot of hard work to get a product certificate.

### ASSESSING ACCEPTABLE SOLUTIONS

Guidance on assessing alternative solutions is given on the DBH website at <http://www.dbh.govt.nz/blc-alternative-solutions>, and particular cases have been discussed in numerous determinations issued by the DBH and previously by the BIA.

Nevertheless, there is a constant call for something more specific and more detailed. Indeed, every now and then someone says what a good idea it would be to have a register of alternative solutions, which would presumably be compiled by the DBH producing a list of alternative solutions approved for particular buildings by particular TAs.

Personally, I think the DBH has gone about as far as it should, and that such a register of alternative solutions would be a bad idea. The leaky buildings experience should have taught us the folly of saying that simply because one or more TAs have approved a particular departure from a compliance document, the resulting solution should be given the status of an alternative solution by all TAs. In several leaky building cases, the Courts have rejected TA claims that they were not negligent because they were merely following the general practice of other TAs.

Most alternative solutions apply to only one or a few buildings. Those that apply to a significant number of buildings can either become acceptable solutions, obtain product certificates, or are so well established that they need no further official recognition.

*B D Cashin, BE(Civil), LLB, FIPENZ, barrister and solicitor. Brian recently retired as Chief Legal Adviser, Determinations, Department of Building and Housing; and was previously Principal Legal Adviser, Building Industry Authority. He is the author of Deconstructing the Building Act and co-author of Building Law in New Zealand.*

*Lockwood houses clearly do not comply with the acceptable solution, NZS 3604, and I assume, but have not checked, that the engineering design involved is not conventional engineering design complying with NZS 3603.*



## EECA solar water heating update

*Eddie Thompson, a Technical Advisor with the Energy Efficiency and Conservation Authority (EECA), talked to the Senior Building Officials Forum in August about latest developments on solar water heating installations. Here he summarises what EECA's doing to make the building consent process for solar water heating easier and more efficient, and gives a quick overview of latest BRANZ research and EECA's financial assistance packages.*

### SMOOTHING THE BUILDING CONSENT PROCESS

We've received a lot of feedback telling us that better information could speed up the building consent process for solar water heating – that's obviously a win for everyone, so that's what we want to do.

Currently, building consent is being slowed up because many authorities don't have enough information to make quick decisions, and the solar industry and homeowners are feeling those delays. Uncertainty around just what information is needed also means there are some inconsistencies between building consent authorities as to the type of information required.

EECA, along with other agencies, is working

towards improving the information available to help streamline the building consent process for everyone. Two key areas we're working on at the moment are; a building code guidance document, and a revision of the G12/AS2 acceptable solution for hot water heating.

### BUILDING CODE GUIDANCE DOCUMENT FOR SOLAR WATER HEATING

To make the building consent process for solar water heating installations easier, EECA, the Solar Industries Association (SIA) and the Department of Housing (DBH) are developing a building code guidance document. This will set out the quantity, quality and type of information to be provided to the building consent authorities.

The document, which is being developed following feedback from solar installers and council officials, will help building consent authorities more easily evaluate whether a solar water heating installation will meet building code requirements. It will also help applicants better understand what information they need to provide with their application.

EECA is keen for feedback from building

consent authorities to make sure this document is as useful as possible. There has been relatively little feedback so far – so to have your say, please email [eddie.thompson@eeca.govt.nz](mailto:eddie.thompson@eeca.govt.nz) for a copy of the draft document. The final document is scheduled for completion before the end of the year.

### REVISION OF G12/AS2

Another piece of work that will smooth the building consent process and encourage the uptake of solar water heating is a revision of the G12/AS2 acceptable solution.

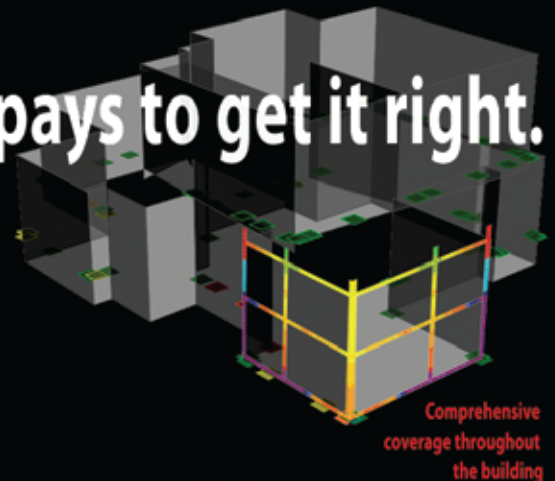
Revising G12/AS2 will broaden the scope and make it applicable to a greater number of installations. The revision will also make it easier for building consent authorities to determine whether the installations meet the building code.

Submissions from solar suppliers have been received and DBH are reviewing the technical content at present. A draft document for wider consultation should be circulated in the first quarter of 2009.



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# Relationship of the HSNO Act to the Building Code

Buildings that hold flammable substances have separate and additional requirements to those required by the Building Act. These requirements are found under the Hazardous Substances and New Organisms Act 1996 (HSNO Act).

Clause F3 of the Building Code covers buildings in which flammable/oxidising gases and liquids are stored and/or used. The verification method F3/VM1 refers to specific regulations and controls made under the Hazardous Substances and New Organisms Act 1996 (HSNO Act) as a means of compliance with Clauses F3.3 (a) to (e) of the Building Code.

These regulations and controls require specific building construction and separation to cope with a hazardous substance fire. This will include the provision of fire rated walls and fire protection, as well as means to prevent ignition of the flammable substances.

It is therefore important that applications for building consents state whether flammable/oxidising substances are present. If they are present the applicant should demonstrate that compliance with HSNO will be achieved before a building consent is issued. This could be in various ways; e.g., from the applicant themselves, or by a statement from a test certifier (a list of test certifiers can be found at <http://www.ermanz.govt.nz/search/tc.html>).

At this planning stage a test certificate from a test certifier will not be available, as this can only be issued when the building is complete and occupied. Statements must therefore be based on the plans available.

ERMA New Zealand, who administers the HSNO legislation, does not become involved unless the building does not comply with the separation distance requirements of HSNO. If this is the case the applicant can apply to ERMA New Zealand for a waiver of the requirements. However, in order for ERMA New Zealand to grant a waiver the applicant will need to demonstrate why the separation distance cannot be met, and what acceptable alternative measures are in place to mitigate the reduced separation. Once satisfied ERMA New Zealand may issue a waiver, and on this basis a test certifier can issue a location test certificate.

To provide a brief introduction to the requirements under the HSNO legislation the information below summarises the main requirements.

*General assistance in interpreting the HSNO legislation can be obtained from the ERMA New Zealand compliance help line 0800 376 234.*

## BUILDING REQUIREMENTS FOR FLAMMABLE LIQUIDS AND GASES UNDER THE HSNO ACT 1996



Two pieces of legislation under the HSNO Act provide controls for the storage and use of flammable substances:

- The Hazardous Substances (Classes 1 to 5) Regulations 2001; and
- The Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004.

The Classes 1 to 5 Regulations are designed to prevent ignition of flammable liquids and gases. However, they also require compliance with Schedule 10 of the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004. Schedule 10 is primarily designed to control the adverse effects of fire should ignition occur. It achieves this by ensuring a building holding flammable substances is built to a certain construction, and has a corresponding safe separation from neighbours.

Flammable substances include: liquids such as petrol, solvents and paints; and gases such as LPG and CNG. Differing requirements exist for flammable liquids and gases in different


*Continued on page 18*



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circumstances, and reference should be made to the legislation quoted below for details.

As a guide the safe separation distance required from a neighbour is determined by several factors:

- The type and quantity of the flammable substances held in the building.
- The size of the containers holding the flammable substances.
- The fire resisting construction of the building.
- The usage of the neighbouring property.

Schedule 10 details four levels of fire resisting construction for buildings containing flammable liquids, referred to as Types A, B, C, and D.

Basically the less fire resistant the building structure, the larger the quantity of flammables, the larger the pack size, and the more sensitive the neighbouring land use, the greater the separation distance required. A set of tables specifying the separation distances is provided in clause 30 of Schedule 10. Separation distance requirements start at 1 metre for as little as 250 litres of flammable liquid in Type A and Type B buildings, and can be as great as 30 metres for large quantities.

Should the building not be able to meet the required separation distance the person in charge of the building may apply to ERMA for a waiver of the distance required. This application is made under Clause 33 of Schedule 10. To qualify for a waiver additional fire protection measures will need to be taken:

- For a reduction in the separation distance of up to 50% an intervening vapour tight 240/240/240 fire wall will need to be constructed.
- For a reduction greater than 50% additional measures will need to be put in place such as sprinkler systems and /or upgrading of the building construction.

The Authority would treat each application on its merits. Granting a waiver would depend on the building location, and the controls in place both to prevent ignition and to control the effects of unintended ignition.

Any queries regarding the controls can be directed to a test certifier, or to the HSNO Compliance Help Line 0800 376 234.

For further information about HSNO telephone +64-4-916 2426, or email: [info@ermanz.govt.nz](mailto:info@ermanz.govt.nz), or visit the website: [www.ermanz.govt.nz](http://www.ermanz.govt.nz)

### Type A building means a building—

- (a) that is—
- (i) constructed to provide a platform on which 1 or more containers are located; and
  - (ii) secured to prevent unauthorised access; and
  - (iii) part of a secondary containment system; and
- (b) the following parts of which are made of non-combustible materials:
- (i) the platform; and
  - (ii) the shelter roof (if any).

### Type B building means a framed building that—

- (a) has non-combustible cladding; and
- (b) is part of a secondary containment system.

### Type C building means a building that—

- (a) has a fire rating of 120/120/120 minutes and which is made of structurally strong materials such as brick, block concrete and reinforced concrete; and
- (b) has a roof made of wood and iron or equivalent products; and
- (c) is part of a secondary containment system.

### Type D building means a building that—

- (a) has a fire-resistance rating of 240/240/240 minutes and which is made of structurally strong materials such as brick, block concrete and reinforced concrete; and
- (b) has a reinforced concrete roof with a fire rating of 240/240/240 minutes; and
- (c) is part of a secondary containment system.

A register of test certifiers can be found on the ERMA New Zealand website, <http://www.ermanz.govt.nz/search/tc.html>

# Beyond 2008 - A society based on treating each other well...as customers...or by the judges gavel?

A snapshot of the past year in review (from a different perspective)

**We all come into the world as babies but that's as far as our sameness goes – or is it?**

**It's what happens after that that can mess things up.**

"Does he or she have more than me?" "I must be smarter than him or her." Whatever the answer of course we can never all be born the same, and when it comes to wealth the divide between us is a chasm. Inevitably this can lead to a crucible of tension between the haves and the have nots, and sometimes even friends, neighbours and families.

If we can't be born into wealth or win Lotto we naturally think we should have equal rights to whatever wealth is handed out, particularly if it's money we earn that is being redistributed through taxation and in that belief we are at one with each other – the same. Paying less in tax or dividing it fairly is perhaps something that everyone would agree on.

Growing up we realise we are not all born equal and never can be, but giving people "rights" is a common theme in our statutes. In a broad sense our laws (1100 Public Principal Acts and 900 Imperial/Local/Private/Provincial Principal Acts in force (excludes amendment legislation) (Parliamentary Commission)) are made on the basic premise of protecting certain rights. But creating such rights under law inevitably creates loopholes and inconsistencies and ultimately means that some have rights over others with lawyers the final arbiters. Nevertheless, successive governments have made laws based on the premise that we will fit in and fall into line (even though we have for a long time managed without some of the laws that have been introduced in recent times with the prospect of more likely as we move further to the Left). For the most part we buy into it and believe it creates some sense of order (though ironically those of the Leftist persuasion seem to view any sense of order as a neo-Nazi plot but confoundingly invoke laws anyway to increase our dependence on them). This dependency is a very slippery path because there are some who will make better use of their rights than others, and those who can turn rights into advantages, legally or illegally. Clearly then, despite laws wanting to make it so, laws will not always give the outcomes we think they will.

For example, take the Bill to reduce the age of criminal responsibility to 12. With that and the Government's proposed B4 School strategy to identify under 5s with behavioural problems (Dominion Post, Letters, October 2008) the prospects for generations to come, young or old, are not good. So we need to be wary that we don't make laws, or introduce systems and rules, especially ones that take the place of the very fragile things that we value (social norms) to guide behaviour. Social norms effectively mean that getting our "rights" is in the final analysis "down to us and how we treat each other as customers" in our daily lives. We must recognise that how we behave really does matter, rather than depend on laws to look after us and "make it so". The necessity of making laws to govern child behaviour is an indictment on society and its inability to uphold basic standards of decency that any social

grouping needs to survive or turn on itself.

The construction industry is another example where increasingly, behaviour is governed by statute. Building related items aired on Fair Go typically relate to shoddy treatment of customers over leaky buildings or claims to the WHRS; no one claims to have been treated fairly on this issue with no resolution in sight, despite an Act of Parliament. The government says the councils should compensate and vice versa. Building controls is where the buck stopped.

The Electoral Finance Act has been criticised as an elaborate law that can not be enforced. There should be no need for parties to overspend, they all have accountants presumably and they know what the spending limits are. Having said that though, if the Treasury and the government don't tell the public that the country is facing a 10-year deficit until 5 weeks out from a General Election there is little hope for political parties keeping their financial affairs in order either.

In a boost for lawyers, the Commerce Commission recently declined to comment on an issue of fairness; in a letter to the editor of the Dominion Post retirement villager wrote asking the Commission to comment on whether it is fair to charge new residents higher fees than villagers already in residence. The Commission suggested the villager contact a lawyer. The villager concluded that the Commission's reluctance to give an opinion suggests that it does not know what fair means. An honest reaction might have been to say, "it behoves the body corporate to act fairly" even if the Commission could not bring itself to say that the action taken by the body corporate is not legally enforceable or contravenes the Fair Trading Act.

And in politics, take the Maori Party position on retaining the Maori seats. How will retaining them benefit the Maori Party? Surely these seats are up for grabs by anyone or any party standing in those electorates? Isn't this a democracy? Apparently those in favour of retaining the Maori seats want to change the law to make a vote of 75% (rather than 50% as now) support in Parliament required (as applies to any other seat), before Maori seats can be removed, but why the difference in the first place and why have a law at all on this? If the majority vote in Parliament is to remove any seat with effect from a pre-determined date (say from

the date of the next General Election) then so be it.

Also of note is the plan to give more rights to victims of crimes. So that criminals who have justice visited on them by other criminals can avail themselves of their rights as victims under such laws? In a reverse logic of democracy, Parliamentarians and their law makers make the mistake of thinking that it is democratic to treat victims and the perpetrators the same. This has already happened under ACC. Our newspapers carry stories daily of how we fail each other as customers only to further entangle us in some new law that takes the place of what should be personal responsibility and fairness.

So how can we avoid more laws, rules and systems, beyond 2008?

We need more emphasis on what it means to be a "customer" and less on laws to tell us to make it so. This means, quite simply, valuing something or someone and listening for the benefit of harmonious relations. It means that if someone says they will provide a service they will and fairly. It means that if money is owed it will be paid. It means that care is just that, care for others and where we live. We don't need a law to figure out how to do that. It means thinking and acting thoughtfully towards each other as customers rather than treating each other as obstacles. In other words we need to be more community minded in word and deed.

With the economic global shakedown that has greed and avarice at its root cause, perhaps the "customer" model will win out in the end? It's a long shot though, and as likely to happen as the Utopia former US president Bill Clinton (like him or not) is reported to have described in the lead up to the USA 2008 election, "there is no reason why anyone should speak badly of each other" Dominion Post/July 2008.

By not looking for the answers in more laws but first and foremost on how we like to be treated as customers, not each others' keepers, maybe we will start to feel the same, and the chasm will not seem as wide or as deep?

Wishing you sobering New Year thoughts and impossible dreams.

**Smile and May the Grinch Smile with You**

## Building Consultant - Brick Veneer Construction

Lifetime Promotions Ltd specialises in brick veneer construction and provides a professional service to all sectors of the building industry. We have a close relationship with Territorial Authorities and can provide the following:

- Job specific Producer Statements
- Plan processing and reviewing
- Peer reviewing
- Project Management - Inspections
- Staff training
- John Oliver's BRICK BOOK
- Providing PS2 & 4 on projects
- Problem solving

*A BIG thank you to all those who have provided me with referrals and support over the past 3 years, it has been much appreciated.*

**Contact: John Oliver** – BOINZ Member  
**021 84 85 86, 09 624 4045**  
**lifetimepromotions@xtra.co.nz**

## EVENT CALENDAR - 2009

### MARCH

2-6 March Getting Started in Plumbing Inspection – Water Supply & Sanitary Drainage (up to Category 3 buildings) – **Christchurch**

5 March NZS3604 – **Auckland**

6 March Assessing Alternative Solutions – **Auckland**

17 March Building Consent Vetting – **Auckland**

19 March Frontline – **Rotorua**

20 March E2 Weathertightness – **Rotorua**

23-25 March Getting Started in Building Controls – **Hamilton**

26-27 March Getting Started in Building Controls (Site Inspection) – **Hamilton**

14-15 May Blueprint 4 Success: Leadership Development Programme – **Christchurch**

18-20 May Getting Started in Building Controls – **Auckland**

21-22 May Getting Started in Building Controls (Plan Processing) – **Auckland**

25-27 May Getting Started in Plumbing Inspection – Complex Water Supply & Sanitary Drainage (Category 3 buildings and above) – **Christchurch**

26 May Introduction to Compliance Schedule Writing and Building Warrant of Fitness Auditing – **Auckland**

27 May Compliance Schedule Writing – **Auckland**

28 May Building Warrant of Fitness Auditing – **Auckland**

### APRIL

5-8 April ANNUAL CONFERENCE AND EXPO – **Christchurch**

21 April Introduction to Compliance Schedule Writing and Building Warrant of Fitness Auditing – **Wellington**

22 April Compliance Schedule Writing – **Wellington**

23 April Building Warrant of Fitness Auditing – **Wellington**

27-28 April Getting Started in Building Controls (Site Inspection) – **Christchurch**

30 April NZS3604 – **Christchurch**

### JUNE

2 June Building Consent Vetting – **Rotorua**

4-5 June Getting Started in Building Controls (Plan Processing) – **Hamilton**

4 June Timber Truss and Wall Frame Structure and Fixing – **Auckland**

5 June Timber Truss and Wall Frame Structure and Fixing (with rural component) – **Whangarei**

10-11 June Certificate in Building Controls Administration – **Wellington**

18 June Frontline – **Auckland**

19 June E2 Weathertightness – **Auckland**

22-24 June Getting Started in Building Controls – **Wellington**

25-26 June Getting Started in Building Controls (Site Inspection) – **Wellington**

25 June Timber Truss and Wall Frame Structure and Fixing (with rural component) – **Palmerston North**

29 June NZS3604 – **Hamilton**

30 June Assessing Alternative Solutions – **Hamilton**

### MAY

1 May Assessing Alternative Solutions – **Christchurch**

4-8 May Getting Started in Plumbing Inspection – Water Supply & Sanitary Drainage (up to Category 3 buildings) – **Auckland**

7 May Timber Truss and Wall Frame Structure and Fixing (with rural component) – **Nelson**

12 May Building Consent Vetting – **Christchurch**

*For programme flyers and further information please contact the Institute's office on 04 473 6002 or visit the website - [www.boinz.org.nz](http://www.boinz.org.nz)*

## UPCOMING BARRIER FREE SEMINARS

### 2-day Seminar Dates - Modules 1-4

Wellington	31 March – 1 April 2009
Christchurch	5-6 May 2009
Rotorua	16-17 June 2009
Hamilton	11-12 August 2009
Auckland	15-16 September 2009
Wellington	14-15 October 2009
Christchurch	17-18 November 2009

### Module 5 - Becoming a Barrier Free Advisor

Auckland:	29 April 2009
Wellington:	20 August 2009
Location TBC:	26 November 2009

### Assessments of Modules

An opportunity is available to complete assessments for Modules in your own time after the seminar. Assessment can be used as a measure to check whether participants have achieved the desired learning outcomes. It provides a quality assurance and enhances learning. The cost of completing Assessments of Modules 1-4 is \$200 + GST. To become a Barrier Free Advisor it is mandatory to successfully complete all assessments.

### CPD Points

Our 2-day Barrier Free Seminar is recognised by some professional organisations for Continuous Professional Development Points. Please contact your own organisation if you have any questions relating to CPD.

### Register Online

Places fill in quickly, so make sure you and your staff don't miss out on accessibility training - register now at <http://www.barrierfreenz.org.nz/index.php/training-and-education/registration>

*Requests for further information should be directed to*  
The Administrator  
Barrier Free NZ Trust  
PO Box 25064, Panama Street  
Wellington

Tel: 04-915-5848;  
Email: [seminar@barrierfreenz.org.nz](mailto:seminar@barrierfreenz.org.nz)  
Web : [www.barrierfreenz.org.nz](http://www.barrierfreenz.org.nz)

A great indoor environment  
doesn't have to be at the expense  
of our great outdoor one.



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As New Zealand's only plasterboard with Environmental Choice certification, GIB® plasterboard is the easy way to create greener, healthier indoor environments. And because it's made from 100% recycled paper and naturally occurring gypsum – both completely recyclable and able to be composted – it's kinder to our outdoor environment too.

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\*Environmental Choice labelling applies to all GIB® plasterboard 13mm and greater in thickness.



# BPB Plasterboard

## Bracing Ratings

BPB PlasterBoard bracing ratings have been obtained from product tested in accordance with P21 racking test procedure  
Bracing System NZS3604:1999 BUs per metre

### BPB Standard Plasterboard Bracing Ratings - Concrete or Timber Foundations

System Reference	Lining Requirements	Bracing System			BUs per metre	
		Hold Downs	Minimum Length (m)	Diagonal Brace	Wind	Earthquake
BP1S	10mm BPB Standard Plasterboard one face fixed vertical or horizontal	No	1.2	Yes	55	50
			1.8		65	55
			2.4		75	65
BP2S	10mm BPB Standard Plasterboard both sides fixed vertical or horizontal	No	1.2	No	70	60
			1.8		80	70
			2.4		90	75

The above schedule covers BPB Standard, Firestop and MR/Aquastop Plasterboards of 10mm and 13mm thicknesses.

### BPB Braceboard Bracing Ratings - Concrete or Timber Foundations

System Reference	Lining Requirements	Bracing System			BUs per metre	
		Hold Downs	Minimum Length (m)	Diagonal Brace	Wind	Earthquake
BP1B	BPB Braceboard one face fixed vertical or horizontal	Yes	0.4	No	90	100
			0.6		125	115
			1.8	Yes	150	120
BP1BP	BPB Braceboard one face fixed vertical or horizontal 7mm D-D plywood on the other	Yes	0.6	Yes	150	150
			0.9		150	150
BP1BS	BPB Braceboard one face fixed vertical or horizontal BPB Standard 10mm on the other	Yes	0.6	Yes	145	145
			1.2		150	140

The above schedule covers BPB 10mm Braceboard and 13mm DuraLine.

To comply with the above ratings, wall-bracing elements must be constructed in accordance with the following specification:

- Timber frame minimum 90 x 35mm with studs at 600mm centres.
- Sheets lined vertically or horizontally. Vertical joints taped and stopped in accordance with British PlasterBoard "Fixing and Finishing Instructions" May 1999.
- Sheets fixed with 32mm x 6g screws at 150mm centres to perimeter of the bracing element. Fixings to intermediate studs are at 300mm centres but may be omitted if sheets are glued.
- Bracing ratings in table are based on wall height of 2.4m. Ratings may be adjusted for wall heights other than 2.4m as follows:  

$$\frac{2.4m}{\text{Actual wall height (max 4.8m)}} \times \text{value from above table} = \text{Adjusted Rating}$$

[www.bpb.co.nz](http://www.bpb.co.nz)



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